



## DECLARATION, POWER OF ATTORNEY AND PETITION

We, Gary SOHNGEN and Barry HUBBARD, declare: that we are citizens of Great Britain and the United States of America, respectively; that our residences and post office addresses are 333 West 6th Street, Suite 202, San Pedro, California 90731, and 2888 East Little Cottonwood Road, Sandy, Utah 84092, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled INTRAMEDULLARY NAIL FOR LONG BONE FRACTURES, for which a patent is sought and which is described and claimed in the specification filed on July 21, 2003; and granted Serial No. 10/624,463 (we hereby authorize the attorneys of Clayton, Howarth & Cannon, P.C., to insert said serial number when known); that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We hereby claim the benefit under Section 119(e) of Title 35 of the United States code of the earlier filed application Serial No. 60/398,294, filed July 23, 2002; and, insofar as the subject matter of each of the claims of these applications is not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States

Code, we acknowledge the duty to disclose material information, as defined in Section 1.56 of Title 37 of the Code of Federal Regulations, which occurred between the filing dates of the earlier filed applications and the filing date of this application.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents, Grant R. Clayton, Registration No. 32,462; Alan J. Howarth, Registration No. 36,553; Karl R. Cannon, Registration No. 36,468; Clifford B. Vaterlaus, Registration No. 47,261; Terrence J. Edwards, Registration No. 50,254; and Brett J. Davis, Registration No. 46,655; all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence in connection with this application to:

Customer No. 20449

Please direct all telephonic and facsimile communications to:

Karl R. Cannon  
Telephone: (801) 255-5335  
Facsimile: (801) 255-5338

Please reference the below provided attorney docket number in  
all communications:


T9918

Wherefore, we pray that Letters Patent be granted to us for  
the invention or discovery described and claimed in the foregoing  
specification and claims, declaration, power of attorney, and this  
petition.

Signed at SAN PEDRO, CALIFORNIA, this  
(City) (State)

6<sup>th</sup> day of AUGUST, 2003.


INVENTOR:

  
\_\_\_\_\_  
Gary SCHNGEN

Signed at Midvale, Utah, this  
(City) (State)

16<sup>th</sup> day of July, 2004.

INVENTOR:

  
\_\_\_\_\_  
Barry HUBBARD

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DECLARATION CLAIMING SMALL ENTITY STATUS  
FOR A SMALL BUSINESS CONCERN

I, Gary SOHNGEN, hereby declare: that I am President of Advanced Orthopaedic Solutions, Inc., a corporation of the State of California and having a principal place of business at 333 West 6<sup>th</sup> Street, Suite 202, San Pedro, California 90731; I am empowered to act on behalf of said corporation; and that said corporation qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18 and 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of said corporation, including those of its affiliates, does not exceed 500 persons. I understand that, for purposes of this declaration, (1) the number of employees is the average over the previous fiscal year of the number of persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and that (2) two business concerns are considered to be affiliates of each other when one business concern either directly or indirectly controls or has the power to control the other, or when a third party or parties control or have the power to control both business concerns.

I further declare that all rights, title, and interest relating to the invention entitled INTRAMEDULLARY NAIL FOR LONG BONE FRACTURES, invented by Gary SOHNGEN and Barry HUBBARD, as described in the patent application filed on July 21, 2003, and

assigned Serial No. 10/624,463, have been conveyed to and currently remain with said corporation. (I hereby authorize the attorneys of Clayton, Howarth & Cannon, P.C., to insert the serial number when known.)

I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at SAN PEDRO, CALIFORNIA, this 6<sup>th</sup> day  
(City) (State)  
of AUGUST, 2003.

Advanced Orthopaedic Solutions, Inc.

By: G. Sohn  
Gary SOHNGEN, President

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